



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

DPD Application Number: 3014772
Clerk's File Number: CF 314305
Applicant Name: Greg Stamatiou for Seattle City Light (SCL)
Address of Proposal: 1250 Denny Way

SUMMARY OF PROPOSED ACTION

Council Land Use Action to establish a city facility (Denny Substation) on two of three City Light-owned parcels at a site on the edge of the Cascade Neighborhood. Project includes installation of a screen wall, control building, maintenance building, transformer units and other electrical and mechanical equipment. The vehicle access for the facility is to be located on John Street, across from the intersection of Pontius Avenue North and John Street. Project also includes street vacation for the portion of Pontius Avenue North to the west of the site (between Denny Way and John Street). Draft and Final Environmental Impact Statements (dated March 27, 2014 and January 22, 2015) have been prepared by Seattle City Light.

Although the land use approval is related only to the substation, the proposal addressed by the project's EIS includes all interconnected project components and actions. Accordingly, the EIS evaluates construction and operation of:

- a new electrical substation,
- a new underground electrical network distribution system to serve the South Lake Union area,
- a new, primarily underground high-voltage transmission line to connect the new Denny Substation to the existing Massachusetts Substation in the South of Downtown (SODO) neighborhood, and
- related electrical equipment (inductor) at the Broad Street Substation.

All of these project components would be constructed in stages between late 2015 and approximately 2020.

Substation construction (the first phase needed to build the screen wall and preliminarily to serve the new distribution network) would likely begin in early 2016 and take approximately 24 months to complete.

The following Land Use approvals are required:

- **COUNCIL CONCEPT APPROVAL OF A CITY FACILITY**
To change/establish use of Electrical Transmission/Distribution Substation in Seattle Mixed Use (SM) zone [Chapter 23.76.064](#)

- **COUNCIL ACTION:**
 - **Council Action** to allow a greater setback than permitted in a SM zone.
 - **Council Action** to allow a waiver or modification to the facade transparency requirements in a SM zone.
 - **Council Action** to allow a waiver or modification to blank facade limits in a SM zone.
 - **Council Action** to allow a waiver or modification to green factor requirements in a SM zone.
 - **Council Action** to allow a waiver or modification to the minimum facade height in a SM zone.
 - **Council Action** to allow a waiver to the accessory surface parking requirements in a SM zone.
 - **Council Action** to allow a waiver or modification to the parking and loading access requirements in a SM zone.

- **STATE ENVIRONMENTAL POLICY ACT (SEPA) [Chapter 25.05](#)** (substantive conditioning)¹

SEPA DETERMINATION Exempt DNS MDNS EIS
 DNS with conditions
 DNS with conditions involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND AND PROPOSAL

The Seattle City Light 2013–2018 Strategic Plan establishes a course for how City Light will best meet its customers’ current and future needs for the next six years. The Denny Substation (identified in the Plan as North Downtown Substation) is listed as a strategic investment consistent with one or more of the plan’s objectives. The Denny Substation project is proposed in order to provide reliable electrical service for the fast-growing South Lake Union and Denny Triangle areas and to enable the City to meet the land use planning goals established for the area by the *South Lake Union Urban Center Neighborhood Plan*.

The project would extend electrical network distribution system service in and around the South Lake Union area, and provide added capacity to serve existing distribution systems in the Denny

Triangle and First Hill areas, while creating options for meeting existing and future system capacity needs. The project would also install equipment to help regulate regional power flows.

The project site shown in Figure 1 is bound by Denny Way to the south, a public alley to the east (with a Plymouth Housing facility and a commercial property directly adjacent), John Street to the north, and Minor Avenue and the Brewster Apartment Building to the west. The Brewster Apartments, owned and operated by Capitol Hill Housing, abuts the Pontius Avenue North right-of-way that City Light proposes to vacate.

Figure 1 Proposed Substation – Location and General Layout



The substation concept is an open-air facility (enclosed by a screen wall on four sides and not roofed), designed by NBBJ Architects. The substation would contain transformers and associated equipment (e.g., switchgear, grounding bank, and inductors) and would be developed in phases. As electrical loads expand over time, equipment would be added to the substation to maintain reliable electrical service, but the outer footprint of the substation would be constructed during the first phase and would not be expanded. Dates for future phases are not currently known and will depend on electrical load growth. All electrical lines entering and exiting the substation (both transmission and distribution) would be underground. The substation site would also incorporate public open spaces with an off-leash dog area, and public seating and walking areas, along with views into the substation and other amenities.

It is anticipated that construction staging for the substation itself would occur almost completely on-site. Some construction work however would occur in adjacent roadways to install the distribution ductbanks that would convey electrical power away from the site and the transmission lines that would feed the substation.

Seattle Design Commission

As a City facility, the proposal was subject to review by the Seattle Design Commission (SDC) in its role to advise project proponents and help foster well-designed civic projects. The SDC reviewed several iterations of the design over the past year and provided input and approved the design with recommendations on February 19th 2015. For complete SDC actions and comments, the approved minutes from the meetings are available on the City of Seattle website located at

<http://www.seattle.gov/dpd/cityplanning/designcommission/projectreviews/currentprojects/dennysubstation/whats happening/default.htm>

COUNCIL LAND USE ACTION

Pursuant to SMC 23.76.064, City Council Concept Approval is required for city facilities, and the Council has authority to modify or waive development standards that apply to a site that is a City facility as defined in SMC 23.84A.006. Seattle City Light requests seven modifications of the land use code, as follows:

- A greater setback than permitted in an SM zone (SMC 23.48.014.A.3);
- A waiver or modification to the facade transparency requirements in an SM zone (SMC 23.48.014.D.1);
- A waiver or modification to the blank facade limits in an SM zone (SMC 23.48.014.D.2 and D.3);
- A waiver or modification to the green factor requirements in an SM zone (SMC 23.48.024.A.2 and SMC 23.86.019);
- A waiver or modification to the minimum facade height in an SM zone (SMC 23.48.015.A.2);
- A waiver to the accessory surface parking requirements in an SM zone (SMC 23.48.034.C.3); and
- A waiver or modification to the parking and loading access requirements in an SM zone (SMC 23.48.034.D.1).

The Department of Planning and Development (DPD) reviewed the project and issued its Analysis and Recommendation on June 29, 2015. Notice of an associated public hearing before the City Council's Transportation Committee (Committee) was also published on June 29, 2015 along with notice of a public hearing for the related street vacation. DPD recommended approval of the project and the requested modifications.

This matter first came before the Committee on July 28, 2015. At that meeting, the Committee considered the merits of the proposal. On July 30, 2015, the Committee held public hearings on

the proposed council concept approval and on the related street vacation. At its August 13, 2015, meeting, the Committee voted to recommend that the full City Council approve the project and grant the requested development standard modifications.

Findings of Fact

The City Council adopts the following Findings of Fact:

1. The 3.2 acre site is located at 1250 Denny Way. It includes portions of two blocks bounded by Minor Avenue North, John Street, the alley west of Yale Avenue North and Denny Way. The project site includes a one-block section of Pontius Avenue N. between Denny Way and John Street, which is subject to a separate street vacation petition. Seattle City Light proposes to establish an electrical substation on the site.
2. Seattle City Light owns the site, which is zoned Seattle Mixed 240/125-400. A substation is a permitted use in this zone.
3. The Denny Substation project is proposed in order to provide reliable electrical service for the fast-growing South Lake Union and Denny Triangle areas and to enable the City to meet the land use planning goals established for the area by the South Lake Union Urban Center Neighborhood Plan.
4. The substation concept is an open-air facility enclosed by a screen wall on four sides and not roofed. The substation would contain transformers and associated equipment (including switchgear, grounding bank and inductors) and would be completed in phases. As electrical loads expand over time, Seattle City Light would add equipment to the substation to maintain reliable electrical service, but the outer footprint of the substation would be constructed during the first phase and would not be expanded. Dates for future phases are not currently known and will depend on electrical load growth. All electrical lines entering and exiting the substation (both transmission and distribution) would be underground.
5. Vehicular access to the site will be provided from John Street at the intersection with Pontius Avenue N. to the north. Pontius is a non-arterial street improved with curbs, sidewalks, gutters and street trees.
6. In addition to the substation, plans call for creating an off-leash dog park (approx. 6,000 square feet), public seating and walking areas, an “energy information center” (approx. 2,900 square feet) and a public meeting space to be programmed by the Seattle Office of Arts and Culture (approx. 3,900 square feet). Temporary off-street parking and loading space to serve the public spaces will be provided on the west side of the structure.
7. The project includes a pedestrian passageway from the corner of Minor Avenue N. and Denny Way to the intersection of John Street and Pontius Avenue N. In addition, a walkway would wrap the substation. Educational displays and windows into the substation facility would be located along the walkway.

8. Planned landscaping includes installing planting beds and trees, including landscaping along John Street and Minor Avenue N. adjacent to the Brewster.
9. The site is generally flat.
10. The site is currently vacant, and previously housing a maintenance facility for Greyhound bus lines.
11. The project is a City facility as defined in SMC 23.84A.006, SMC 23.76.036 and 23.76.064 provided that the City Council may waive or modify development standards for City facilities.
12. The following development standard modifications are being sought:

Development Standard	Requirement	Proposed Modification
Allow waiver of Minimum Facade Height requirement (SMC 23.48.014.A.2)	25 foot minimum facade height along Denny Way	Allow a minimum facade height of 20 feet along Denny Way
Allow waiver to exceed the Maximum Setback limit (SMC 23.48.014.A.3)	12 foot maximum setback requirement	Allow greater than 12 foot setback along Minor Ave. N. and John St.
Allow waiver to have less facade transparency than required (SMC 23.48.014.D.1)	60% required transparency between 2 feet and 8 feet above the sidewalk along Denny Way and John Street.	Allow 54% transparency along Denny Way and 18% transparency along John Street.
Allow waiver to have longer blank facades than permitted (SMC 23.48.014.D.2 and D.3)	30 foot blank facade limit along Minor Ave., 15 foot blank facade limit along Denny Way, and 15 foot blank facade limit and 40% blank facade limit along John Street.	Allow blank facades beyond the permitted limits along Minor Ave. N., Denny Way and John Street street-level street-facing facades.
Allow waiver of green factor requirements (SMC 23.48.024.A.2 and 23.86.019)	Landscaping that achieves a green factor score of .30 or greater.	Allow a green factor score of 0.17.
Allow accessory surface parking between the street and the structure (SMC 23.48.034.C.3)	Accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.	Allow limited on-site special event surface parking between the structure and the street.
Allow access to parking and loading from the street (SMC 23.48.034.D.1)	Access to parking and loading is required from the alley.	Allow access to parking and loading from John Street.

13. The requested waiver of the minimum facade height is due to the unique geometry of the project. The average facade height of the structure along Denny Way would be 27 feet in order to meet the intent of the requirement. The section of the facade that drops below 25

feet is an architectural response to the urban condition and unusual project type. The site is located at a key node joining the Downtown, Capitol Hill and South Lake Union/Cascade neighborhoods. The location at an intersection of two major urban grids in Seattle represents a distinct point of transition both in character and in geometry for the neighborhoods. Lowering the facade along Denny to less than 25 feet is intended to acknowledge the axial relationship to Virginia Street as well as welcome and draw pedestrian activity to the open space developed as part of the project. The lower height will help maximize the amount of light that is available to the open space on the site.

14. The requested waivers of the setback requirements from John Street and Minor Ave. N. are due to the open space proposed along John Street and Minor Ave. N. as well as substation program requirements. The project will provide public open space between the street and the structure along both John Street and Minor Ave. N. to create community connection and use. The substation also has a functional requirement to be set back from John Street to allow for large service vehicle access and clearance requirements.
15. The requested waivers of the facade transparency requirements and blank facade limits are due to current Federal (North American Electric Reliability Corporation [NERC]) regulatory requirements for substations. Due to NERC requirements, visual access into the substation must be limited. In lieu of providing transparent walls, translucent glazing is proposed to allow transmission of light and to create facade variations both in daytime and nighttime conditions. The changing geometrical planes of the facades are proposed to meet the intent of the requirement to create an interesting variation and an engaging street level facade. Transparent facades have been provided where possible. In addition, Seattle City Light has committed to making streetscape improvements, including pedestrian lighting, in the Cascade neighborhood in conjunction with network improvements in that area.
16. The requested waivers of the green factor landscaping requirements are due to programmatic infrastructure requirements that do not allow landscaping within the substation yard or dog park, and brownfield redevelopment restrictions preventing on-site stormwater infiltration. Given these limitations the project has sought to meet the green factor requirements to the extent feasible, including the use of bio-retention cells, stormwater collection, maximizing soil depth, tree plantings where clearance from underground utilities allow, plantings on the elevated walkway surrounding the structure, and streetscape improvements including a continuous planting strip along John, Denny and Minor. In addition, Seattle City Light has committed to making streetscape improvements, including plantings and street trees elsewhere in the Cascade neighborhood in conjunction with network improvements in that area.
17. In the Seattle Mixed zone, surface parking is prohibited unless separated from all street lot lines by another use within a structure. The requested modification of this requirement will allow for limited special event parking in a multi-use zone between the structure and Minor Ave. N. This space is intended for temporary use by vehicles such as food trucks, bookmobiles and service vehicles in the event of a utility emergency.

18. The requested modification of parking and loading access requirements is due to the large vehicles that are required to service the substation. The Seattle Mixed zone requires access to parking and loading from the alley when a lot abuts an alley, unless a significant safety hazard would be created. Alley access would not allow for the required turning radius of large transport vehicles. In addition, changes in grade from the alley to the substation yard grade make vehicle entry to the substation infeasible. The service door will be treated with special glazing as well as with an artistic environmental graphic to make the door a visual feature that will provide interest.
19. Seattle City Light instituted an Interdepartmental Team to facilitate and streamline review of the project design and EIS by other City departments. Along with regular project updates, Seattle City Light provided iterations of design plans and specifications for review by these departments: DPD, FAS, Parks, SDOT and SPU. All of the design review and SEPA comments by these agencies were considered and addressed through the design process to the satisfaction of the agencies. Seattle City Light coordinated with two external governmental agencies in particular regarding the substation: King County Metro and King County Wastewater Treatment Division. In addition, the government agencies with jurisdiction received all MUP and SEPA notices. Only King County Metro submitted comments about the substation project. They requested mitigation to address impacts to transit service during construction of the facility. City staff acknowledged the comments by email. Construction activities will be managed to minimize potential disruptions to transit service.
20. DPD initiated the required public comment period for this proposed project on April 24, 2014 through May 7, 2014 and received five written comments. The first commenter expressed concern regarding traffic and parking impacts resulting from the project and its related street vacation. Staff requested traffic and parking information during review of the project. Review of the proposal determined that these impacts can be addressed by the design of the proposal and that traffic patterns will adjust over time to the proposed revisions to the street grid. Staff also found that improvements to pedestrian crosswalks abutting the site will result in better use of vehicle parking near the proposal. The second commenter expressed concern regarding pedestrian safety on the abutting and adjacent streets and asked for setbacks from the abutting sidewalk. The Seattle Design Commission (SDC) and City staff reviewed the proposal and determined that these impacts can be addressed by the design of the proposal. All abutting walkways will be maintained or improved for pedestrian safety. Improvements to the abutting pedestrian crosswalks will result in better pedestrian circulation around the site. The third commenter expressed concern regarding increased noise and light for their building's occupants. The SDC and City staff reviewed the proposal. City staff requested noise mitigation measures to minimize impacts and determined that impacts can be addressed by the proposal. Construction impacts from noise and light can be mitigated and will be monitored and enforced during all phases of construction. Operational impacts from noise and light will be code compliant. Commenters four and five asked for an extended comment period. In response, the comment period was extended.

21. As a City facility, the proposal was subject to review by the SDC in their role in advising public project proponents and helping foster well-designed civic projects. The Seattle Design Commission held six meetings over four years and provided input and approved the design of the project and recommended approval of the requested waivers on February 19, 2015 with the following comments:

“The Commission recognizes that code provisions generally do not anticipate facilities like the Denny Substation, and accordingly, finds the seven waivers to be justifiable in this instance. We appreciate the creativity SCL has brought towards striving for code compliance where possible. However, this action does not set any precedent regarding waivers for such facilities, the merits of which should always be evaluated on a case-by-case basis.”

“Identify and pursue off-site opportunities to make Green Factor improvements, even if they do not strictly contribute to the project’s Green Factor score. Provide an analysis of how these improvements could increase the project’s Green Factor score were such an off-site approach allowed. We recommend Council consider this approach to achieving Green Factor for this type of facility rather than an outright waiver of its Green Factor responsibility.”

22. Seattle City Light, as the Lead Agency for the proposal, issued a Determination of Significance and Scoping Notice for the project on October 8, 2012. Scoping was conducted and a Draft Environmental Impact Statement was issued in March 2014. The 30-day comment period ended on April 26, 2014. Written public comments on the DEIS were received by the lead agency from 18 commenters and 11 people provided oral comments during testimony at the April 16th DEIS public hearing. A Final EIS was issued on January 22, 2015. DPD staff participated in the City of Seattle Interdepartmental Team for the project in reviewing preliminary drafts of the Draft and Final EIS, and considered the EIS to be adequate to understand probable project impacts and appropriate mitigation. Two parties appealed the adequacy of the EIS: Capitol Hill Housing and International Community Health Services. The Deputy Hearing Examiner issued a decision upholding the adequacy of the EIS on April 8.
23. SMC 23.76.050 requires the DPD Director to evaluate the project based on the standards and criteria for the approval sought, and consistency with applicable City policies. On June 29, 2015, DPD issued the Director’s Analysis and Recommendation on the project. The DPD Director recommended the City Council approve the proposed modifications and waivers of development standards and grant the concept approval for the project.
24. A public hearing on the requested Council Concept Approval and development standard modifications was held on July 30, 2015. No members of the public testified regarding these requested Council actions.

Conclusions

The City Council adopts the following Conclusions:

1. The site is a City facility as defined in SMC 23.84A.006.

2. The City Council also has authority to waive or modify development standards for a City facility under SMC 23.76.036 and 23.76.064.
3. The City’s development standards in the SM 240/125-400 zoning district were not specifically established for properties as large as the site and uses such as an electrical substation.
4. The requested modifications of development standards are necessary to allow the project and site to effectively function as an electrical substation.

Decision

The City Council approves in concept the proposed electrical substation described in Clerk File 314305 and **GRANTS** the following development standard modifications for the project:

Development Standard Modifications

Code Section	Code Standard	Modification Allowed
SMC 23.48.014.A.2 Street-level development standards (Minimum facade height)	25 foot minimum facade height along Denny Way	Allow a minimum facade height of 20 feet along Denny Way
SMC 23.48.014.A.3 Street-level development standards (Permitted setbacks from street lot lines)	12 foot maximum setback requirement	Allow greater than 12 foot setback along Minor Ave. N. and John St.
SMC 23.48.014.D.1 Street-level development standards (Transparency and blank facade requirements)	60% required transparency between 2 feet and 8 feet above the sidewalk along Denny Way and John Street.	Allow 54% transparency along Denny Way and 18% transparency along John Street.
SMC 23.48.014.D.2 Street-level development standards (Transparency and blank facade requirements)	30 foot blank facade limit along Minor Ave., 15 foot blank facade limit along Denny Way, and 15 foot blank facade limit and 40% blank facade limit along John Street.	Allow blank facades beyond the permitted limits along Minor Ave. N., Denny Way and John Street street-level street-facing facades.
SMC 23.48.024.A.2 and 23.86.019 Screening and landscaping standards	Landscaping that achieves a green factor score of .30 or greater.	Allow a green factor score of 0.17.
Allow accessory surface parking between the street and the structure (SMC 23.48.034.C.3)	Accessory surface parking is prohibited unless separated from all street lot lines by another use within a structure.	Allow limited on-site special event surface parking between the structure and the street.
Allow access to parking and loading from the street (SMC 23.48.034.D.1)	Access to parking and loading is required from the alley.	Allow access to parking and loading from John Street.

ANALYSIS – SEPA

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The specific environmental policies for elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. The City has adopted specific environmental policies (SMC 25.05.675) for the following topics: *Construction Impacts, Air Quality, Earth, Energy, Environmental Health, Height, Bulk and Scale, Public View Protection, Light and Glare, Shadows on Open Spaces, Historic Preservation, Housing, Land Use, Noise, Plants and Animals, Public Services and Facilities, Traffic and Transportation, Parking, Drainage, and Water Quality*. The scope of the EIS for the project did not include *Earth* or *Plants and Animals*. The findings for other topics are conveyed below.

Construction (Short-Term) Impacts

Noise

Significant noise impacts that can only be partially mitigated would result if high noise generating construction activities occur within 500 feet of a residence, lodging facility, or other similar sensitive use during night-time hours. The EIS also found that vibration levels from impact equipment would exceed human annoyance thresholds and result in a moderate impact if construction took place during nighttime hours. Nighttime construction could result in sleep interference because the substation site is adjacent to and/or within 500 feet of sensitive receivers. Substation construction noise would be typical of large developments that occur throughout the city.

Nighttime construction is, in fact, proposed for the project in large part to abate potential traffic impacts discussed below. During construction of the substation, noise would increase over existing conditions for approximately 18 to 24 months. The substation site is surrounded by residences and lodging, which are considered sensitive receivers of high noise levels, especially during evenings and at night. The City's Noise Ordinance has regulations that limit construction noise to daytime hours. However, the City allows exceptions to the requirements when necessary to construct a major public project. Such exceptions could take traffic impacts and overall construction schedule into consideration, along with the intensity and duration of the impacts, and the types of land uses that would be affected. Seattle City Light has requested a Major Public Project Construction Noise Variance (MPPNV) to help control construction noise impacts, while allowing some nighttime and weekend construction that would exceed the noise code requirements. The variance would allow impact equipment to be used later than allowed outright (between 5 pm and 7 pm) and allow other types of noise generating equipment that would exceed the allowable nighttime noise limits by up to 10 A-weighted decibels (dBA).

SEPA mitigation measures are proposed to limit the amount of noise and vibration from substation construction on adjacent sensitive receivers during daytime and nighttime hours. The intent is to keep the level of impact to a moderate level.

Traffic and Transportation and Parking

Traffic and transportation impacts could be significant without limiting some portion of in-street work to off-peak hours, particularly on Denny Way, but also on other arterial streets that could be affected by construction for the transmission line or distribution system. Some lanes of Denny Way would be closed for 4 to 6 weeks to connect the substation to the existing transmission line. Night-time construction (leading to some increased noise impacts) is proposed in order to help control construction transportation impacts, including parking.

All street closures would be coordinated through the Seattle Department of Transportation (SDOT) Construction Hub Coordination Program. This program was developed to provide additional preconstruction planning, and then to respond to and resolve construction-related impacts that might be created by multiple public and private projects in the same vicinity. Through this program, SDOT reviews permit applications for projects holistically in each hub area (project areas) and provides direction to minimize potential cumulative construction impacts between projects. Two of the hubs targeted for coordination are the South Lake Union Hub and the North Westlake Hub, both of which include portions of the Denny Substation Project study area.

With mitigation, the Denny Substation would not significantly affect transportation to or through the project vicinity. Construction of the substation would cause temporary disruptions to street circulation. A SEPA mitigation measure was identified to control contractor parking within 12 blocks of the site; otherwise no parking impacts are anticipated during construction.

Drainage and Water Quality

Construction stormwater would be managed in compliance with regulations prior to discharge to City or King County combined sewer systems and would not create adverse impacts on downstream water bodies. No additional SEPA mitigation was identified for these issues.

Air Quality and Greenhouse Gases

Construction of the Denny Substation would not generate a significant amount of any air pollutant or greenhouse gases. Greenhouse gas (GHG) emissions from construction of the project would vary through the years of construction, peaking in 2016 with the simultaneous construction of the substation and distribution system.

Historic and Cultural Resources

No impacts are expected on archaeological (underground) cultural resources at the substation site based on review of geotechnical information and archaeological research on past discoveries and because of past disturbance of the majority of the site. Under Revised Code of Washington 27.44, archaeological resources identified during construction would need to be evaluated. An Unanticipated Discovery Plan would be developed and implemented so that any resources

identified during construction would be treated appropriately. There are no designated historical properties that would be adversely affected by substation construction.

Environmental Health - Hazardous Materials

A previous remediation project on one parcel of the proposed Denny Way substation site (remediated to the Model Toxics Control Act [MTCA] Level A standard) has removed a great deal of pre-existing contaminated soil and groundwater; however, the site's historical uses may have left residual contamination at depth. Contaminated media (e.g., soils and groundwater) encountered during construction, which could have the potential to migrate along buried utilities, would be removed during construction.

Construction of the substation would use equipment fueled by hazardous materials such as diesel fuel and oil. Any accidental spills of such materials on-site would be immediately cleaned up. City construction contracts require the use of appropriately maintained equipment, do not allow fueling on-site, and include cleanup protocols specifically to address any accidents.

Energy

Construction of the Denny Substation would consume a modest amount of energy and natural resources, no SEPA mitigation is required.

Operational (Long-Term) Impacts

Height, Bulk and Scale, Public View Protection, Light and Glare, Shadows on Open Spaces

The project would place an assembly of large-scale electrical equipment and small utilitarian buildings on two lots in an area largely surrounded by residential and commercial buildings. The equipment and substation yard would be screened from views from most perspectives (except for areas that may be designed to deliberately provide some views of the substation interior to the public). The screen wall, although large in footprint, would be similar in height to some adjacent buildings (far shorter than the zoning of the two sites would allow) and would be architecturally treated to provide visual interest. Some neighbors could see over the screen wall into the substation from upper floors of adjacent buildings.

The SEPA height, bulk, and scale policy addresses the size of a development in relation to existing and expected development around a project, and may require that certain conditions be met for projects to reduce those impacts. The substation has been designed to address height, bulk, and scale issues. Streetscape character is an issue related to height, bulk, and scale and were addressed through an open, public design process with the Seattle Design Commission. City Light has designed the substation to fit into the existing urban setting by incorporating features that would reduce the potential monotony of a screen wall and contribute to streetscape character. These design features include varying surface materials, modulating or sculpting the shape and angle of the wall, incorporating artwork and lighting, and providing landscape plantings.

The features that would result from the Denny Substation Project would be improvements to the existing streetscape adjacent to the existing substation sites, which are predominantly used for parking or are vacant. The substation would require a street vacation, and proposed public benefit features (including a large, public open space) would improve the visual and pedestrian environment. The substation would not adversely affect any public views protected under SEPA, including views of any designated Seattle Landmarks, views from protected viewpoints or protected scenic routes, or views along any protected view corridors. While the project would affect views from adjacent properties, the City's SEPA policy is premised on a finding that it is "impractical to protect private views through project-specific review"; therefore, the City has not adopted policies to protect private views other than those embodied in height and bulk controls in the Land Use Code.

Light and glare impacts are being controlled through substation design to eliminate adverse effects on the street or neighboring properties. There are no open space areas that are protected under SEPA close enough to the substation site to be affected by shadows from the project.

Noise

Noise impacts from operation of the substation would be negligible considering the design of the facility and ambient noise in the vicinity. Substation operations would comply with the City's Noise Control Ordinance. The substation design includes the perimeter screen wall, which would shield equipment noises for surrounding receivers, no mitigation for noise impacts is warranted.

Traffic and Transportation and Parking

Pontius Avenue North between Denny Way and John Street is proposed to be permanently vacated and incorporated into the project site. Pontius is a minor collector street that carries low traffic volumes at present and provides one point of access to the Brewster apartment building, as well as access to a public parking lot on one of the parcels of the substation site.

The substation design allows for continuing and enhanced through-block pedestrian access between John Street and Denny Way. The design also maintains the existing pedestrian access on both sides of The Brewster apartment building.

The street vacation would cause an impact on vehicular access to The Brewster (note that the Brewster does not provide private parking). The Brewster has two entrance/access points (one on the east side of the building - off of Minor Avenue North) and one on the west (off of Pontius Avenue North). Ability to drive up to The Brewster and unload/load vehicles through the building door facing Pontius will be lost with the proposed vacation. However, a loading zone will be added by the project on John Street near the east building entrance to replace that function.

On-street parking lost by the street vacation would not be replaced. This parking loss is expected to be a moderate impact on the neighborhood and would contribute to a trend of tightening parking supply with growing demand in the project vicinity. However, no mitigation for this impact is provided (in concurrence with SDOT) because City policy for the project vicinity favors reliance on transit and nonmotorized travel. Based on the availability of public transit in

the area and City policies encouraging increased use of alternative transportation modes, particularly in higher density areas such as the Downtown and South Lake Union Urban Centers, this reduction in parking would be a minor to moderate impact. The small amount of traffic that travels Pontius Avenue North can be accommodated by nearby streets; therefore, the street vacation would not adversely affect traffic circulation.

Land Use and Housing

The City's State Environmental Policy Act (SEPA) policy on land use SMC 25.05.675.J.2.a states:

“It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use regulations, the goals and policies set forth in Section B of the land use element of the Seattle Comprehensive Plan regarding Land Use Categories and the shoreline goals and policies set forth in section D-4 of the land use element of the Seattle Comprehensive Plan for the area in which the project is located.”

The EIS assessed the project's consistency with the City's land use code and with city planning goals and policies and found it to be reasonably compatible with surrounding uses and consistent with planning goals and policies.

The proposed Denny Substation is not expected to adversely affect land use or housing. No buildings or businesses would be displaced on the substation site, although leased surface parking lots on two of the parcels would be displaced. The substation would not affect the viability of existing land uses in the vicinity. Rather, the substation would support provision of a reliable network distribution system service to businesses in the area, consistent with the City's adopted land use policies, supporting the land use plans for the area.

Adopted land use policies for both the South Lake Union neighborhood, which includes the Cascade area where the substation site is located, call for creating an active pedestrian environment on public streets. Operation of the Denny Substation would require only a small number of workers to be present at the site on an intermittent basis; therefore, the substation itself would not create much pedestrian activity. However, provision of public open space adjacent to the substation is being provided to stimulate a more active pedestrian environment than currently exists.

Historic and Cultural Resources

There are no designated historical properties that could be adversely affected by substation operation.

Air Quality and Greenhouse Gas

The Denny Substation would not generate a significant amount of any air pollutant. City Light would offset any operational greenhouse gas emissions, including those from expected use of sulfur hexafluoride (SF6) in electrical equipment, under its zero net emission policy.

Public Services

This element was added to the FEIS in response to public comments on the DEIS regarding public safety, particularly illegal activity that might occur around the substation, and risk of fire. These issues could potentially affect public services because they could place new or different demands on police and fire services. Seattle City Light project designers and EIS authors consulted with Seattle Police and Fire Departments about the site. Because the Denny Substation would not be occupied by Seattle City Light staff most of the time, it would be an attractive target for graffiti and could be used for encampment by homeless or transient individuals. Security lighting, graffiti-resistant surfaces and coatings, and closed circuit television would be employed at the site. However, the Seattle Police Department indicated that any unsecured and unattended open space is likely to be targeted, regardless of these security measures. The site's open space includes an off-leash area that would generate activity to discourage inappropriate and illegal activity during daylight hours. The elevated walkway on the substation, although equipped with lighting, may not generate much use, and therefore could be attractive for inappropriate and illegal activity, especially at night; therefore, the Final EIS includes a specific, mitigation measure to close the walkway at night. While the substation could increase the demand for police services, the impact is expected to be minor to moderate, and additional mitigation, beyond security measures included in the project, is not warranted.

Substations have unique risks with regard to fire, which are a paramount concern in substation design. Although the risk of fire is very low, when fire does occur, it presents a special situation with regard to fighting the fire. The Seattle Fire Department has developed protocols that firefighters are prepared to employ at any City Light-operated substation. All firefighters are routinely trained in fighting electrical fires, and no special training or personnel would be required for the Denny Substation. The project is not expected to cause significant impacts on fire services.

Water Resources (Drainage and Water Quality)

Stormwater from the completed substation would comply with City requirements and would not have an adverse impact on water quality in adjacent water bodies.

Energy

Operation of the substation would result in a negligible increase in energy consumption and no mitigation is needed.

Environmental Health - Hazardous Materials

Operation of the substation would require use of hazardous substances such as oil and propane, which carry risk of fire. The design incorporates numerous systems for preventing and controlling fires, and operation of the facility would incorporate best practices for managing these risks. The project is not expected to pose any risk to people or property adjacent to the sites.

Environmental Health - Electric and Magnetic Fields (EMF)

Estimates of magnetic fields for the project show changes over time as electrical equipment and load is added as anticipated. Estimated values are not uncommon to urban areas, including both inside and outside homes. The project would increase EMF within the substation site and near the site above the underground transmission and distribution lines (as well as along the

transmission route). EMF surrounding the proposed Denny Substation would not approach guideline limits for use of implanted medical devices.

EMF from the project is not expected to adversely affect human health. EMF surrounds all electrical equipment, building wiring, and appliances and is present wherever electrical power is in use. The DEIS provides an overview of scientific research that has been conducted over many years to determine if there are any adverse health effects from exposure to EMF. With more than 40 years of accumulated research on this topic, many questions have been answered; however, some research does continue, including studies that concern childhood leukemia. There is substantial agreement among scientific experts that there are no confirmed adverse health impacts from exposure to EMF from electrical sources.

RECOMMENDATION - SEPA CONDITIONING SUMMARY

The EIS indicates that, with one exception, the proposed project would not have unavoidable significant adverse impacts (after implementation of identified mitigation measures). The exception is with regard to construction noise. The project will be compliant with SEPA policies, and existing codes and development regulations applicable to this proposed project, and mitigation measures described in the EIS and committed to by Seattle City Light, will provide sufficient mitigation. In Chapter 9 of the FEIS, Seattle City Light has committed to implementing all mitigation measures that were identified through the EIS to address impacts (<http://www.seattle.gov/light/dennysub/>). No SEPA conditions are recommended.

COUNCIL CONCEPT APPROVAL

DPD's recommendation was to **approve** the proposal and requested waivers. No conditions were recommended.

On August 17, 2015 by a vote of 8-0 the Council gave Concept Approval and granted waivers or modifications of certain development standards to allow development of the electrical substation.

SEPA CONDITIONS

None.

Signature: Betty Galarosa for Date: September 3, 2015
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

CRV:bg

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.